

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6394**

**BILL NUMBER: SB 294**

**NOTE PREPARED: Dec 13, 2011**

**BILL AMENDED:**

**SUBJECT:** Public Records and Public Meetings.

**FIRST AUTHOR:** Sen. Holdman

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that an officer or management-level employee of a public agency commits a Class C infraction and is personally liable for the judgment and costs if the individual knowingly or intentionally violates the Open Door Law by:

- (1) taking final action outside a regular meeting or special meeting;
- (2) participating in a secret ballot during a meeting;
- (3) discussing in an executive session subjects that are not eligible for an executive session; or
- (4) participating in at least one meeting of a series of meetings prohibited by law.

The bill provides that an officer or management-level employee of a public agency who intentionally denies a request for a public record that the officer or management-level employee knows or reasonably should know is subject to disclosure under the Open Records Act commits a Class C infraction and is personally liable for the judgment and costs. It provides that an officer or management-level employee of a public agency who intentionally charges an excessive copying fee commits a Class C infraction and is personally liable for the judgment and costs. The bill also prohibits a public agency from charging a fee for a public record transmitted by electronic mail except for a: (1) fee charged for reprogramming a computer system if the reprogramming is required to separate disclosable information from nondisclosable information; (2) certification or search fee set by statute or ordered by a court; or (3) fee charged for providing an electronic map.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Penalty Provision:* The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Jessica Harmon, 317-232-9854.